

## **Amendments to the Claims**

Please amend the claims as follows:

1. (Original) An ACT1 gene promoter which comprises a DNA selected from among the following (a) to (d):
  - (a) a DNA shown under SEQ ID NO:9;
  - (b) a DNA containing the base sequence shown under SEQ ID NO: 9 and having promoter activity;
  - (c) a DNA containing a base sequence derived from the base sequence shown under SEQ ID NO: 9 by deletion, substitution or addition of at least one base and having promoter activity;
  - (d) a DNA derived from a yeast belonging to genus *Candida*, which hybridizes with base sequence of SEQ ID NO:9 under stringent condition and has a promoter activity.
2. (Original) A DNA which comprises the ACT1 gene promoter according to Claim 1 and a structural gene joined to the promoter sequence downstream therefrom.
- 3 (Original) A gene expression unit which comprises the DNA according to Claim 2 and a terminator.
4. (Original) A plasmid which contains the gene expression unit according to Claim 3.
5. (Original) The plasmid according to Claim 4, which is pUTA-ACT1-ORF2S.
6. (Original) A GAP3 gene promoter which comprises a DNA selected from among the following (a) to (d):
  - (a) a DNA shown under SEQ ID NO:10;

(b) a DNA containing the base sequence shown under SEQ ID NO: 10 and having promoter activity;

(c) a DNA containing a base sequence derived from the base sequence shown under SEQ ID NO: 10 by deletion, substitution or addition of at least one base and having promoter activity.

(d) a DNA derived from a yeast belonging to genus *Candida*, which hybridizes with base sequence of SEQ ID' NO:10 under stringent condition and has a promoter activity.

7. (Original) A DNA which comprises the GAP3 gene promoter according to Claim 6 and a structural gene joined to the promoter sequence downstream therefrom.

8. (Original) A gene expression unit which comprises the DNA according to Claim 7 and a terminator.

9. (Original) A plasmid which contains the gene expression unit according to Claim 8.

10. (Original) The plasmid according to Claim 9, which is pUTA-GAP3-ORF2S.

11. (Original) A PMA1 gene promoter which comprises a DNA selected from among the following (a) to (d):

(a) a DNA shown under SEQ ID NO:11;

(b) a DNA containing the base sequence shown under SEQ IDNO: 11 and having promoter activity;

(c) a DNA containing a base sequence derived from the base sequence shown under SEQ ID NO: 11 by deletion, substitution or addition of at least one base and having promoter activity.

(d) a DNA derived from a yeast belonging to genus *Candida*, which hybridizes with base sequence of SEQ ID NO:11 under stringent condition and has a promoter activity.

12. (Original) A DNA which comprises the PMA1 gene promoter according to Claim 11 and a structural gene joined to the promoter sequence downstream therefrom.

13. (Original) A gene expression unit which comprises the DNA according to Claim 12 and a terminator.

14. (Original) A plasmid which contains the gene expression unit according to Claim 13.

15. (Original) The plasmid according to Claim 14, which is pUTA-PMA1-ORF2S.

16. (Original) A TEF1 gene promoter which comprises a DNA selected from among the following (a) to (d):

- (a) a DNA shown under SEQ ID NO:12;
- (b) a DNA containing the base sequence shown under SEQ ID NO: 12 and having promoter activity;
- (c) a DNA containing a base sequence derived from the base sequence shown under SEQ ID NO: 12 by deletion, substitution or addition of at least one base and having promoter activity.
- (d) a DNA derived from a yeast belonging to genus *Candida*, which hybridizes with base sequence of SEQ ID NO:12 under stringent condition and has a promoter activity.

17. (Original) A DNA which comprises the TEF1 gene promoter according to Claim 16 and a structural gene joined to the promoter sequence downstream therefrom.

18. (Original) A gene expression unit which comprises the DNA according to Claim 17 and a terminator.

19. (Original) A plasmid which contains the gene expression unit according to Claim 18.

20. (Original) The plasmid according to Claim 19, which is pUTA-TEF1-ORF2S.

21. (Currently amended) A transformed cell as resulting from transformation of the DNA according to Claim 2,~~7, 12 or 17~~.

22. (Currently amended) A transformed cell as resulting from transformation of the plasmid according to Claim 4,~~5, 9, 10, 14, 15, 19 or 20~~ into a host cell.

23. (Currently amended) The transformed cell according to Claim 21 [[or 22]], wherein the host cell is *Candida maltosa*.

24. (Currently amended) The transformed cell according to ~~any of Claims 21 to 23~~ Claim 21, wherein the structural gene is an Aeromonas caviae-derived gene encoding a enzyme involved in the synthesis of the copolymeric polyester resulting from copolymerization of 3-hydroxybutyric acid and 3-hydroxyhexanoic acid.

25. (Original) A method of producing the copolymeric polyester resulting from copolymerization of 3-hydroxybutyric acid and 3-hydroxyhexanoic acid which comprises culturing the transformed cell according to Claim 24.